



MEMORANDUM

TO: Superintendents

FROM: Dr. Robert Marra, Assistant Superintendent for Student Learning

DATE: March 6, 2009

SUBJECT: Kindergarten Entrance Law

Kindergarten registration is in full swing in many school corporations, and parents and educators are calling with questions regarding the kindergarten entrance law in Indiana. There still seems to be some confusion in the enrollment date for kindergarten for the 2009-2010 school year. The state date for kindergarten enrollment is currently **August 1**. The purpose of this memorandum is to assist you answer questions about the kindergarten entrance law at the local level.

Indiana Code 20-33-2-7 establishes a statewide entrance eligibility date for public school kindergarten and stipulates a student residing in Indiana be at least five years of age on or before **August 1** in order to enroll in public school kindergarten. This law further **requires** that each school corporation have an appeal process for parents requesting early entrance. All districts should review the district's appeal process annually and **submit** the attached form detailing any changes to the Department. Guidelines issued by the Indiana Department of Education are attached.

School corporations deal with entrance issues and the appeal process in a variety of ways. For example, many school corporations will allow children to be enrolled in kindergarten who will be five years of age by a specific date such as September 1, space permitting. It is important to remember that these school corporations are not changing the entrance date but are creating criteria for the appeal process for early entrance into kindergarten. Other corporations interview the parents and the child and come to a joint decision as to the child's best placement. When issues other than age are considered, the best educational interest of the individual child should drive the decision.

The opinion of the Department of Education is that school corporations **cannot** require a parent to assume a cost as part of the school corporation's early admission appeal process. Such a cost would be inconsistent with the General Assembly's creation of a right intended for access by all parents similarly situated.

In addition to providing guidelines for a local parent appeal process, the 1991 legislation required the Department of Education to develop criteria (that follows) for school corporations to use in adopting assessment procedures for kindergarten or first grade placement of children coming to school for the first time under compulsory attendance laws (during the school year of their seventh birthday).

This law **does not** require a child to be six years of age on or before August 1 to be eligible for **first grade**; it does not establish a statewide entrance eligibility date for first grade at all. School corporations have the authority and responsibility to enroll a student in the appropriate grade based on educational factors [I.C. 20-33-2-7 (b)].

Another area of confusion concerns the terms mandatory and required as pertaining to kindergarten attendance. Even though it is not mandatory that parents enroll their children into kindergarten, **once a child is enrolled in kindergarten, the child is required to adhere to all state statutes, including attendance guidelines. Kindergarten students are included in the funding formula distribution for the 180-day instructional school year.** The compulsory attendance law requires students to attend school the number of days schools are in session. Because kindergarten programs are funded on the basis of 180 student instructional days and because of the compulsory attendance law, the kindergarten program must include 180 student instructional days. The Indiana State Board of Education and the Indiana Department of Education, pursuant to their respective authority to grant waivers under extraordinary circumstances, permit full day every other day programs that operate for 90 full student instructional days. Kindergarten students are entitled to the opportunity for 180 instructional days. Therefore, activities such as, but not limited to, individual screenings and home visits that do not provide instruction to a full class of kindergarten students do not constitute an instructional day.

School corporations should schedule parent-teacher conferences and student release for professional development to ensure that neither the morning nor the afternoon kindergarten session is affected disproportionately. A policy for weather and emergency-related delays that ensures that neither the morning nor the afternoon kindergarten session is affected disproportionately should also be implemented.

If the legislature makes any changes pertaining to the status of kindergarten, whether it is the cut-off date or implementation of full-day kindergarten, the Department of Education will send out notification and information.

Thank you for the important role you play in ensuring that a child's first school experience is a positive and rewarding one. Please contact us at 317-232-9164 should you have any questions regarding this information.

GUIDELINES FOR PARENT APPEAL PROCESS KINDERGARTEN ENTRANCE

Each school corporation is required to have a procedure for parents to appeal to the superintendent for early entrance or admission of transfer students affected by the kindergarten age requirements.

The following principles are to guide local school corporations in establishing an appeal procedure:

- Any child who meets the age requirements will be welcomed into the kindergarten program.
- Kindergarten programs will be ready to meet the child where he/she is and provide a one-year, integrated, developmentally appropriate, standards-based experience for each and every child.
- Children coming into kindergarten will be at various developmental levels, no matter what entrance date is used. Homogeneity among kindergarten children should not be an expectation.
- Chronological age is the only fair, unbiased determination of a child's eligibility for kindergarten entrance. While I.C. 20-33-2-7 does allow for exceptions, issues of equity must be considered regarding which students, if any, become the exceptions to this law.
- When a child transfers from out-of-state or a private kindergarten program and does not meet the Indiana age-eligibility requirements, that child should be accepted into the kindergarten program. Continuity of services, rather than age requirements, should be the strongest consideration.
- Early kindergarten entrance should not be based on a single assessment score or pre-established lists of skills that a child must have "mastered." Standardized norm-referenced achievement tests are not appropriate for evaluating individual children at this age.
- Any decision to approve a parent request for early entrance should be based upon what is in the best interest of the child.
- No parent should be required by a school corporation to incur any cost for appealing an entrance decision.

revised 1-18-06

CRITERIA FOR ADOPTING MODEL ASSESSMENT DETERMINING INITIAL PLACEMENT

If a student enrolls in school and has not attended kindergarten, the superintendent shall make a determination as to whether the student shall enroll in kindergarten or grade I based on the particular model assessment adopted by the governing body of the district [IC 20-33-2-7 (b)]. The following criteria are suggested for use in making decisions regarding assessment procedures for determining kindergarten or first grade placement for children entering school for the first time under compulsory attendance laws:

- It should be understood that children coming to school are at various developmental levels. Homogeneity among Indiana's school children should not be an expectation as they enter school.
- Decisions having a major impact on children, such as enrollment into first grade and assignment to remedial or special classes, should be based on a variety of sources of information (not all of which will be objective) and should never be based on a single assessment score or sole criterion.
- A district may use an instrument aligned to the Indiana Academic Kindergarten Standards as a base for deciding enrollment into first grade. Any assessment tool selected should be documented as valid and reliable and administered with fidelity.
- If a district chooses to use assessment as part of the appeal process for early entry into kindergarten, the decision should not be based on a single test/assessment score or list of skills and should be based on a variety of sources of information.

2009 Appeal Process for Kindergarten Early Entrance

The Department is asking all school corporations to revisit the district's appeal process [IC 20-33-2-79 (a)] for parents requesting early kindergarten entrance for their child. If the district has made any changes, please complete this form and return by March 27, 2009 to:

Office of Early Learning and Literacy
Indiana Department of Education
151 W. Ohio Street
Indianapolis, IN 46204-2798

School Corporation _____ Corp # _____

1. Children are eligible for participation in the early entrance appeal process if they have turned 5 on or before (date other than August 1): _____.

2. What are the districts conditions that apply for the appeal process? (Mark all that apply.)

- ☐ Children are admitted if they turn 5 on or before (date) _____, if space is available.
- ☐ Children are admitted by application.
- ☐ Children are admitted on a first-come, first-served basis.
- ☐ Children must go through an interview process to determine entrance.
- ☐ Children are assessed using the _____

Name of Instrument

and must receive a score of _____ to be eligible.

- ☐ Other: _____

Contact person:

Superintendent:

Name

Name

Phone Number

Signature

Date